

AMENDED IN SENATE JUNE 22, 2006

AMENDED IN SENATE AUGUST 15, 2005

AMENDED IN ASSEMBLY MAY 27, 2005

AMENDED IN ASSEMBLY MAY 4, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 1535

Introduced by Assembly Member Bass Nunez

February 22, 2005

~~An act to add Section 4637.6 to the Welfare and Institutions Code, relating to developmental services. An act to amend Sections 51795, 51796, 51797, and 51798 of, and to add Sections 51795.5 and 51796.5 to, the Education Code, relating to school gardens.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1535, as amended, ~~Bass Nunez. Developmental services. School instructional gardens: pupil nutrition.~~

(1) Existing law establishes the Instructional School Gardens Program for the promotion, creation, and support of instructional school gardens by eligible educational agencies, as defined. Existing law requires that the program be administered by the State Department of Education through the allocation of one-time grants and technical assistance to applicant eligible educational agencies. Existing law authorizes the department to consult with the California Integrated Waste Management Board (CIWMB) and public institutions of higher education, regarding curriculum development and evaluation of any program established pursuant to the Instructional School Gardens Program.

This bill instead would require the CIWMB to administer the program, in consultation with the State Department of Education, the Department of Food and Agriculture, and the State Department of Health Services. This bill would align the program with the statewide environmental education program and would include an agricultural education component in the program. This bill would provide that educational agencies interested in participating in the Instructional School Gardens Program apply to the CIWMB for grants. This bill authorizes the CIWMB to establish an advisory group involving other agencies and groups with expertise in instructional school gardens, to provide technical assistance, resources, in-kind support, site visits, and other related forms of support. The bill would require the CIWMB, on or before March 1, 2008, and annually thereafter, to report to the Legislature and the Governor on its implementation of the program, including specified information, as part of the required annual report of the CIWMB pursuant to a specified provision.

This bill would require educational agencies applying for grants to provide specific information about the goals and objectives for their instructional school gardens and plans detailing how they plan to meet the goals and objectives. This bill would limit the use of funding for the program to costs directly related to implementing the instructional school garden and would prohibit the use of more than 5% of the funding awarded for administrative costs.

(2) Existing law requires the CIWMB to give preferential consideration during its annual discretionary grant funding process to providing an appropriate level of funding to the program.

This bill instead would establish the Instructional School Garden Account within the State Treasury and would permit the CIWMB to expend money from the account upon appropriation by the Legislature. This bill would allow the CIWMB to accept and receive funding and other contributions from federal, state, and local sources as well as from public and private organizations and individuals. This bill would permit proceeds from court judgments that have been designated for instructional programs or instructional school gardens to be included within the account. This bill also would authorize the CIWMB to accept nonmonetary contributions. The bill would provide that contributions received by the CIWMB for the program are charitable contributions, as specified. This bill would require the transfer of \$100,000 each year for 5 years from the Integrated Waste Management Account into the Instructional School Garden Account.

The bill would limit the use of these funds to the goals established pursuant to a specified provision. The bill would require funds deposited into the account that are not for immediate use be transferred to an interest bearing account.

(3) Existing law provides that the program will be implemented only if funds are available for it.

This bill would specify that the funding necessary for implementation is the funding received by the CIWMB and included within the Instructional School Garden Account.

~~Existing law, the Lanterman Developmental Disabilities Services Act, requires the State Department of Developmental Services to allocate funds to private nonprofit regional centers for the provision of community services and support for persons with developmental disabilities and their families, and sets forth the duties of the regional centers, including, but not limited to, development of individual program plans and the monitoring of services.~~

~~This bill would require the department to prepare, or contract with an appropriate research entity to prepare, a report every 3 years that sets forth expenditures for the purchase of services and denials of eligibility for the prior 3 fiscal years for each regional center, and statewide, aggregated by race and ethnicity of the consumers, would require the department to post the information on its Internet Web site, and would require the regional center to submit related information and to include a link to the department's reports on its Web site, if any.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 51795 of the Education Code is
2 amended to read:
3 51795. The Legislature finds and declares all of the
4 following:
5 (a) ~~School garden projects~~ *gardens* provide an interactive,
6 hands-on learning environment ~~to teach in which pupils learn~~
7 composting and waste management techniques ~~and the,~~
8 fundamental ~~concepts about nutrition concepts embodied in the~~
9 Dietary Guidelines for Americans ~~and to~~ *and obesity prevention,*
10 *and the cultural and historical aspects of our food supply. School*

1 *gardens also* foster a better understanding and appreciation of
2 where food comes from, ~~how it gets~~ *food travels* from the farm to
3 the table, and the important role of agriculture in the state,
4 national, and global economy.

5 (b) Encouraging and supporting ~~a garden in every~~ school
6 *gardens* creates opportunities for children to *learn to* make
7 healthier food choices, participate more successfully in their
8 education experiences, and develop a deeper appreciation of ~~both~~
9 ~~their community and each other~~.

10 (c) ~~Garden-School~~ *garden* programs can equally enhance any
11 subject area including science, environmental education, ~~math~~
12 *mathematics*, reading, writing, art, *nutrition*, physical education,
13 history, and geography. ~~As California continues to strive toward~~
14 *School gardens provide a unique setting in which* improved pupil
15 performance, ~~the garden project provides a unique method~~
16 ~~through which it can be achieved~~.

17 SEC. 2. Section 51795.5 is added to the Education Code, to
18 read:

19 51795.5. For purposes of this article, the following terms
20 have the following meanings:

21 (a) “Board” means the California Integrated Waste
22 Management Board.

23 (b) “Eligible educational agency” means a school district or
24 county office of education.

25 SEC. 3. Section 51796 of the Education Code is amended to
26 read:

27 51796. (a) The Instructional School Gardens Program is
28 hereby established for the promotion, creation, and support of
29 instructional school gardens ~~by eligible educational agencies~~
30 *through the allocation of grants to eligible educational agencies*.
31 The program shall be administered by the *board in consultation*
32 *with the State Department of Education* ~~through the allocation of~~
33 ~~grants to applicant eligible education agencies and the provision~~
34 ~~of technical assistance to eligible education agencies, the~~
35 *Department of Food and Agriculture, and the State Department*
36 *of Health Services*. ~~The State Department of Education may~~
37 ~~consult with the Integrated Waste Management Board and any~~
38 ~~appropriate public institution of higher education regarding~~
39 ~~curriculum development and regarding the evaluation of any~~
40 ~~program established pursuant to this article. This program shall~~

1 *be aligned with the statewide environmental education program*
2 *established pursuant to Part 4 (commencing with Section 71300)*
3 *of Division 34 of the Public Resources Code and shall include an*
4 *agricultural education component as outlined in Section 8981 of*
5 *the Education Code. Any eligible-education educational agency*
6 *interested in participating in the Instructional School Gardens*
7 *Program may apply to the State Department of Education for a*
8 *one-time grant board for a grant.*

9 ~~(b) For purposes of this article, “eligible educational agency”~~
10 ~~means any school district or county office of education.~~

11 *(b) In implementing this article, the board may establish an*
12 *advisory group involving other agencies and groups with*
13 *expertise in instructional school gardens, including, but not*
14 *limited to, the California Environmental Education Interagency*
15 *Network. The purpose of the advisory group is to support*
16 *program efforts through technical assistance, resources, in-kind*
17 *support, site visits, and other related efforts.*

18 *(c) On or before March 1, 2008, and annually thereafter, the*
19 *board shall report to the Legislature and the Governor on its*
20 *progress in implementing this article in its annual report*
21 *pursuant to Section 40507 of the Public Resources Code. The*
22 *report on the implementation of this article shall include, but not*
23 *be limited to, all of the following:*

24 *(1) The number of grant applications submitted and awarded*
25 *by county.*

26 *(2) A summary of the program activities in which nonpublic*
27 *partners were involved.*

28 *(3) A list of the agencies and groups on the advisory*
29 *committee.*

30 *SEC. 4. Section 51796.5 is added to the Education Code, to*
31 *read:*

32 *51796.5. (a) The board shall establish a grant program to*
33 *provide funding to eligible educational agencies to assist in the*
34 *development and implementation of instructional school garden*
35 *programs.*

36 *(b) In order to be considered for grants, eligible educational*
37 *agencies are required to provide specific information including,*
38 *but not limited to, the goals and objectives for their instructional*
39 *school gardens and action plans for how the goals and objectives*

1 are to be carried out, including the grade level or grade levels to
2 be targeted.

3 (c) Funding shall be used for costs directly related to the
4 implementation of the instructional school garden.
5 Administrative overhead costs shall not exceed 5 percent of the
6 total funding awarded.

7 SEC. 5. Section 51797 of the Education Code is amended to
8 read:

9 51797. ~~During its annual discretionary grant funding process,~~
10 ~~the California Integrated Waste Management Board shall give~~
11 ~~preferential consideration to providing an appropriate level of~~
12 ~~funding to the program established pursuant to this article.~~

13 (a) The Instructional School Garden Account is hereby
14 established within the State Treasury. Moneys in the account
15 may, upon appropriation by the Legislature, be expended by the
16 board, for the purposes of this article. The board shall
17 administer this article, including, but not limited to, the account.

18 (b) Notwithstanding any other provision of law to the
19 contrary, the board may accept and receive federal, state, and
20 local funds and contributions of funds from a public or private
21 organization or individual. The account may also receive
22 proceeds from a judgment in state or federal court when the
23 funds are contributed or the judgment specifies that the proceeds
24 are to be used for the purposes of this part, including, but not
25 limited to, those funds, contributions, or proceeds from
26 judgments that are specifically designated for use for school
27 garden purposes.

28 (c) The board shall immediately deposit any funds contributed
29 pursuant to subdivision (b) into the account.

30 (d) The board shall also accept nonmonetary contributions.

31 (e) Contributions received by the board pursuant to this
32 article are charitable contributions to the extent authorized
33 under the Revenue and Taxation Code.

34 (f) The board shall transfer one hundred thousand dollars
35 (\$100,000) annually for five years from the Integrated Waste
36 Management Account, established pursuant to Section 48001 of
37 the Public Resources Code, into the account. However, these
38 funds shall only be used to meet the goals established pursuant to
39 Section 42630 of the Public Resources Code.

(g) Funds deposited into the account that are not for immediate use shall be transferred into an interest bearing account established for this purpose. However, these funds shall be available for expenditure by the board for the purposes of this article upon appropriation by the Legislature pursuant to subdivision (a).

SEC. 6. Section 51798 of the Education Code is amended to read:

51798. This article shall be implemented only if funds become available from private donations, special fund money, or federal money, or any combination thereof, for the purposes of this article, pursuant to Section 51797.

SECTION 1. ~~The Legislature finds and declares all of the following:~~

(a) ~~Studies conducted by the State Department of Developmental Services and other research organizations have detected differences in per-capita expenditures for regional center services across ethnic groups, and these studies indicate that further study is needed to better understand these differences.~~

(b) ~~Local regional centers, the communities they serve, and the state have a responsibility to identify and remove inappropriate ethnic or racial bias in the delivery of services, if they exist.~~

SEC. 2. ~~Section 4637.6 is added to the Welfare and Institutions Code, to read:~~

4637.6. (a) ~~By January 1, 2007, and every third year thereafter, the department shall prepare, or contract with an appropriate research entity to prepare, a report for the prior three fiscal years that sets out expenditures for the purchase of services for each regional center, and statewide, by race and ethnicity, as set forth in subdivision (b).~~

(b) ~~The department shall prepare the report of costs for purchase of services for each regional center, and statewide, for each of the following categories, from data submitted by the regional centers:~~

(1) ~~Out-of-home expenses.~~

(2) ~~Day programs.~~

(3) ~~Transportation.~~

(4) ~~Medical care.~~

(5) ~~In-home respite.~~

(6) ~~Out-of-home respite.~~

~~(7) Other nonmedical services.~~
~~(8) Support services.~~
~~(9) Total purchase of service which shall sum the cost categories in paragraphs (1) to (8), inclusive.~~
~~(e) The race and ethnic categories shall include at least Asian, Black/African American, Filipino, Latino/Hispanic, Native American, other, Polynesian, unknown, and White.~~
~~(d) The report shall include an analysis of the purchases of service cost by race and ethnicity, for each regional center, and statewide, and shall control for all of the following independent variables, contained in the Client Development Evaluation Report (CDER):~~
~~(1) Client chronological age.~~
~~(2) Residence type.~~
~~(3) Client's primary programming/characteristic.~~
~~(4) Level of mental retardation.~~
~~(5) Levels of adaptive and maladaptive behaviors.~~
~~(6) Ethnicity.~~
~~(7) Gender.~~
~~(8) Client's regional center.~~
~~(e) The department shall, by January 1, 2007, and each third year thereafter, prepare, or contract with an appropriate research entity to prepare, reports setting forth the total number of notices of proposed action, by each regional center, and statewide, for the prior three fiscal years, that terminate continuing eligibility to recipients, or that deny initial eligibility to applicants, for regional center services aggregated as follows:~~
~~(1) For each race/ethnic category.~~
~~(2) For individuals who do not speak English as their primary language.~~
~~(3) For notices that are not in English.~~
~~(f) Each regional center shall promptly provide the data requested by the department to enable the department to produce the reports.~~
~~(g) The department shall post the reports on its Internet Web site on completion and shall make the report available upon request. Each regional center that has an Internet Web site shall include a link to the department's reports.~~

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